

REMARKS

By the paper mailed January 30, 2003 claims 1-14 were rejected under 35 U.S.C. 103(a) as being unpatentable over PCT WO 92/07480 and any one of Harreld et al. Baker et al. or Mathis et al. By this amendment, method claims 1-6, have been cancelled and new method claims 15, 16 and 17 have been added. For reasons presently to be discussed and for the reasons discussed with Examiner Atergut during the interview on April 2, 2004, these new claims are believed clearly non-obvious in view of the references of record.

Applicant and Applicant's Attorney wish to thank the Examiner for his kind assistance and for the courtesy extended during the interview of April 2, 2004.

Before discussing the references of record, a brief review of the thrust of the present invention will perhaps be helpful. As discussed on page 12 of the specification, when the sock of the invention is in use, the elastic cuff portion 24b of the outer sock 24 exerts inward forces against the lower leg-engaging portion of the one-piece, continuous bladder in a manner to sealably press a portion of the adhesive coated bladder having a glazed like surface against the skin of the user thereby forming a substantially watertight seal. As indicated in figure 5, even when the user's extremity is submerged

in water, this uniquely formed seal will prevent water from passing between the upper bladder portion and the user's skin.

Nowhere does the prior art disclose or remotely suggest an article of apparel having inner and outer fabric members and a thin, continuous, adhesive-coated bladder that is provided with a leg-engaging portion of the character now claimed that sealably presses against the skin of the user during use. While the Examiner is correct that several of the references of record teach cuffs of various construction, none of the references disclose the novel features of applicant's invention as claimed, namely an inner fabric member, outer fabric member and an adhesive-coated bladder, the leg-engaging portion of which includes a glaze-like surface that is sealably pressed directly against the skin of the user to uniquely form a watertight seal between the adhesive-coated, elastometric bladder and the user's skin.

As discussed in the Declaration of Cole Williams, which was annexed to the response filed on December 11, 2003, on page 11 of the specification of Serial No. 09/978,441, the heating and compression of the precursor assembly, which comprises the first adhesive coated sock 22, the bladder 12 and the second adhesive coated sock 24, is there described. It is there pointed out that "due to the unique design of the article of apparel of the invention, during the temperature, pressure step, portion 16 of bladder 12,

that is the portion of the bladder extending above margin 34 of inner sock 22, is urged against the smooth surfaces 36 of mandrel 30 (figure 3). As the adhesive 27, which was previously deposited on bladder 12, melts and is pressed against the mandrel, it will melt to form a smooth surface that exhibits exceptional sealing capabilities.”

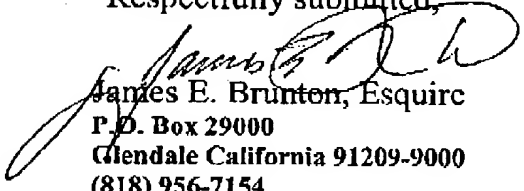
While the bladder is made of the same material, the processing of the precursor assembly of the Williams ‘226 and PCT ‘567 does not involve urging the bladder against the smooth surfaces of the mandrel to produce the critical feature of the present invention, namely the glaze-like surface that provides the exceptional sealing capabilities. This is because, during heating and compression of the prior art precursor the adhesive coated bladder of the precursor does not extend above the margin of the inner sock.

The prior art references to Harreld et al., Baker et al and Mathis et al., were discussed in the paper dated April 18, 2003. In light of these discussions and for the reason discussed herein and during the interview of April 2, 2004, it is respectfully submitted that it would not be obvious to one skilled in the art involved in making waterproof, breathable articles to extend the bladder beyond the first fabric layer of the article and beneath the elastic cuff of the article to cause the cooperative interaction of the cuff and the glazed upper portion of the bladder to provide the waterproof seal.

The previously filed article claims specifically define the cooperative interaction of the cuff and the glazed portion of the bladder. Similarly, the newly filed method claims now specifically define the steps of the method of the invention, including the step of using the cuff portion of the second fabric member to urge the adhesive coated upper portion of the bladder that is that portion of the bladder which extends beyond the first fabric member, into engagement with the smooth surface of the mandrel during the heating and compression step. Accordingly, all the claims remaining in the case are believed clearly allowable.

The application as amended is now believed in condition for allowance and such favorable action is respectfully requested.

Respectfully submitted,



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